

GARNISHMENT SUMMONS
In the Circuit Court of Fairfax County, Virginia

Virginia Code §§8.01-511, 512, 512.3

At Law Number: _____

JUDGMENT CREDITOR:

Address: _____ Phone: _____

JUDGMENT CREDITOR'S ATTORNEY:

Address: _____ Va. Bar #: _____
Phone: _____

Versus

JUDGMENT DEBTOR:

Address: _____ SSN: _____
Return Date: _____ at 9:00 a.m.

GARNISHEE:

Address: _____ Review Date: _____

STATEMENT

Judgment Principal	\$ _____	Maximum Portion of Disposable Earnings Subject to Garnishment
Credits	_____	SUPPORT
Interest	_____	50% 55% 60% 65% (If not specified, then 50%)
Judgment Costs	_____	State Taxes, 100%
Attorney's Fees	_____	If none of the above are checked, then §34-29(a)(printed on the reverse
Garnishment Costs	_____	side of this summons) applies.
Total Balance Due	\$ _____	The Garnishee shall rely on this amount.
Judgment Number:	_____	Date of Judgment: _____
Place of Judgment:	_____	

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to:

- (1) file a written answer with: Circuit Court of Fairfax County, 4110 Chain Bridge Road, Fairfax, VA 22030 Attn: Civil Case Processing

OR (2) deliver payment to this court payable to "CLERK, CIRCUIT COURT,"

- OR (3)** appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations:

- (1) the maximum amount which may be garnished is the "**Total Balance Due**" as shown on this summons.
(2) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "**Maximum Portion of Disposable Earnings Subject to Garnishment**" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commissions or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

EXEMPTION CLAIM: IF A JUDGMENT DEBTOR REQUESTS A HEARING ON AN EXEMPTION CLAIM, SUCH CLAIM SHOULD BE FILED WITH THE CLERK OF THE CIRCUIT COURT WITHIN TEN DAYS OF SERVICE UPON YOU. (SEE ATTACHED EXEMPTION CLAIM FORM)

JOHN T. FREY, CLERK

Date of Issuance of Summons

Date of Delivery of Writ of Fieri Facias
To Sheriff or any authorized Officer
if different from Date of Issuance of this Summons.

By: _____
Deputy Clerk

Creditor / Attorney Signature

Attorney Bar #

Certificate of Mailing

True copies of this Garnishment Summons and Garnishment Exemption Claim Form were mailed to the

Judgment Debtor on: _____
Date Mailed

Deputy Sheriff

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, §34-29 of the Code of Virginia for a full explanation. A copy of §34-29 is available in the Clerk's Office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as twenty-five (25) percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep thirty (30) times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than sixty-five (65) percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"*Disposable earnings*" means the money an employee makes "*after taxes*" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, or otherwise, whether paid directly to the employee or not. After those earnings are in the bank for thirty (30) days, they are not considered earnings anymore.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

An employee cannot be fired because he is garnished for one debt.

Financial Institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

§ 34-29. Maximum portion of disposable earnings subject to garnishment.

- (a) Except as provided in subsections (b) and (b1), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser of the following amounts:
 - (1) twenty-five per cent of his disposable earnings for that week, or
 - (2) the amount by which his disposable earnings for that week exceed thirty times the federal minimum hourly wage prescribed by 206 (a) (1) of Title 29 of the United States Code in effect at the time earnings are payable.

In the case of earnings for any pay period other than a week, the State Commissioner of Labor and Industry shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in this section.

- (b) The restrictions of subsection (a) do not apply in the case of:
 - (1) any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, which affords substantial due process, and which is subject to judicial review;
 - (2) any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act;
 - (3) any debt due for any state or federal tax.
- (b1) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:
 - (1) sixty per cent of such individual's disposable earnings for that week; or
 - (2) if such individual is supporting a spouse or dependent child other than the spouse or child with respect to whose support such order was issued, fifty per cent of such individual's disposable earnings for that week.

The fifty per cent specified in subdivision (b1) (2) shall be fifty-five per cent and the sixty per cent specified in subdivision (b1) (1) shall be sixty-five per cent if and to the extent that such earnings are subject to garnishment to enforce an order for support for a period which is more than twelve weeks prior to the beginning of such workweek.

- (c) No court of the Commonwealth and no state agency or officer may make, execute, or enforce any order or process in violation of this section. The exemptions allowed herein shall be granted to any person so entitled without any further proceedings.
- (d) For the purposes of this section:
 - (1) the term "**earnings**" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, payments to an independent contractor, or otherwise, whether paid directly to the individual or deposited with another entity or person on behalf of and traceable to the individual, and includes periodic payments pursuant to a pension or retirement program,
 - (2) the term "**disposable earnings**" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld, and
 - (3) the term "**garnishment**" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.
- (e) Every assignment, sale, transfer, pledge or mortgage of the wages or salary of an individual which is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.
- (f) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.
- (g) A depository wherein earnings have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of such earnings which are subject to garnishment.